

Claim Rejections - 35 U.S.C. § 103

Claims 1-4, 6 and 7 are rejected under 35 U.S.C. § 103(a), as being unpatentable over Suzuki et al (6,227,968) in view of Takase et al (6,450,888). This rejection is traversed for at least the following reasons.

Suzuki et al, which is owned by Konami alone, is cited by the Examiner with regard to its disclosure of a two-person dance game embodiment in connection with Fig. 9 of the reference. Suzuki cannot be removed as a reference under 35 U.S.C. § 103(c) because the present application is co owned by Konami Co. Ltd. and KCE Tokyo, Ltd.. However, the reference is not an anticipation of the presently claimed invention since the Examiner admits that Suzuki does not teach changing game operation timing by adding one or more game operation timing between the game operation timings defined by the timing data (page 4 of the Office Action).

The Examiner cites Takase (col. 25, lines 1-67 and col. 28, lines 1-67) for a teaching of a computer or player changing dance routines and timings by adding steps or songs to the routine, or deleting steps or songs. Takase is co-owned by Konami and Konami Computer Entertainment Tokyo, Ltd.

Applicants assert their rights under 35 U.S.C. § 103(c) in order to overcome the rejection. Konami Corporation is a common joint assignee of Takase and the present application. KCE Tokyo Co. Ltd. also is a common joint assignee of Takase and the present application. While Takase lists Konami Computer Entertainment Tokyo, Ltd. as a joint assignee, in fact, KCE Tokyo Co. Ltd. is the same company as Konami Computer Entertainment Tokyo Co. Ltd.

In support for this assertion, Applicants respectfully submit a copy of parts of the Certified Copy of the Commercial Register of Konami Computer Entertainment Tokyo, Co. Ltd., which demonstrate that on August 1, 2001, the name of KCE Tokyo Co. Ltd. was changed to Konami Computer Entertainment Tokyo, Co. Ltd. A verified translation of pertinent parts of the Register accompany this submission.

Further, Applicants submit that there is an identical assignee for both Takase and the present application. Further, Applicants submit that the present invention was made at the time it was owned by the same entities as those who owned Takase. Thus, Applicants are entitled to

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assert rights under 35 U.S.C. § 103 (c) and overcome the rejection, thereby ensuring allowance of all claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

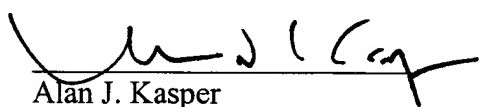
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